

SENATE JOURNAL

Forty-First Legislature—Fifth Called Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Wednesday, February 19, 1930.

The Senate met at 10 o'clock a. m. pursuant to the call of the Governor, and was called to order by Lieutenant Governor Barry Miller.

Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary, Bob Barker; Sergeant-at-Arms, A. W. Holt; Journal Clerk, Wendell O'Neal; Doorkeeper, Warren Freund.

Roll Call.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Love.	Williamson.
Martin.	Wirtz.
Miller.	Witt.
Moore.	Woodul.

Absent—Excused.

Cousins.	Small.
Hardin.	Westbrook.
Hyer.	Woodward.
McFarlane.	

Prayer by the Chaplain.

Proclamation of the Governor.

The Chair laid before the Senate the Governor's proclamation as follows:

Proclamation by the Governor
of the State of Texas

To All to Whom These Presents Shall
Come:

Whereas, The Forty-first Legisla-

ture at its Fourth Called Session has not had time in the thirty day period limited by the Constitution to Special Sessions of the Legislature to dispose of pending business, and among such pending and undisposed of matters are the following:

1. The enactment of legislation to provide for the reorganization and rehabilitation of the Texas prison system.

2. The hearings pursuant to the resolution adopted by the House of Representatives of the State Legislature at the Fourth Called Session of the Forty-first Legislature providing for an investigation of certain charges made against the State Comptroller of Public Accounts. And,

3. The raising of sufficient revenue to meet the supplemental demands of the State departments and institutions.

Now, Therefore, I, Dan Moody, Governor of the State of Texas, do, by virtue of the authority vested in me by the Constitution of this State, hereby call a Special Session of the Forty-first Legislature to be convened in the city of Austin, commencing at 10 o'clock, a. m., on Wednesday, the 19th day of February, A. D. 1930, for the following purposes:

1. To pass legislation providing for the reorganization, reformation and rehabilitation of the Texas prison system and the improvement of the Texas prison system into a modern penal institution.

2. To facilitate a fair and impartial trial of charges made against the State Comptroller of Public Accounts. And,

3. To provide revenues to meet the supplemental demands of the State departments and institutions.

In Testimony Whereof I hereunto sign my name and cause to be impressed hereon the Seal of the State.

of Texas at Austin, this the 18th day of February, A. D. 1930.

(Seal.) DAN MOODY,
Governor of Texas.

By the Governor:
JANE Y. McCALLUM,
Secretary of State.

Caucus Report.

Senator Witt sent up the following caucus report:

Senate Chamber,
Austin, Texas, Feb. 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: A caucus was held in the office of the Senate attended by Senators-elect, and by unanimous vote of those present, it was agreed that those Senators present holding proxies for those Senators absent could cast said proxies.

The purpose of the caucus was to determine the number and personnel of the Senate officers and employees of the ensuing Fifth Called Session of the Forty-first Legislature. Senator Witt was elected chairman of the caucus, and Senator Pollard was elected Secretary.

The following officers and employees were recommended as officers and employees of the Senate during the Fifth Called Session of the Forty-first Legislature:

Secretary of Senate: Bob Barker.

Assistant Secretary of Senate: Morris Hankins.

Journal Clerk: Wendell O'Neal.

Assistant Journal Clerk: Mrs. Hugh Harris.

Secretary of Finance Committee: Dulse Lux.

Assistant Secretary of Finance Committee: Murray Butler.

Sergeant-at-Arms: A. W. Holt.

First Assistant Sergeant-at-Arms: Lee McDougall.

Second Assistant Sergeant-at-Arms: J. C. Adrian.

Third Assistant Sergeant-at-Arms: W. P. Midkiff.

Fourth Assistant Sergeant-at-Arms: Tom McLendon.

Fifth Assistant Sergeant-at-Arms: J. C. Mock.

Sixth Assistant Sergeant-at-Arms: H. C. Garrard.

Seventh Assistant Sergeant-at-Arms: A. W. Townsend.

Eighth Assistant Sergeant-at-Arms: Sam Russell.

Custodian of Supplies: T. H. Allen.

Calendar Clerk: Mrs. Grace Jennings.

Assistant Calendar Clerk: Miss Juanita Wills.

Assistant Calendar Clerk: Colonel J. T. Stockton.

Mailing Clerk: Mrs. Ann Polglass.

First Assistant Mailing Clerk: Lila Roberts.

Second Assistant Mailing Clerk: Cora Carver.

Third Assistant Mailing Clerk: Estelle Gardner.

Fourth Assistant Mailing Clerk: Irene Rose.

Fifth Assistant Mailing Clerk: Lola Glass.

Sixth Assistant Mailing Clerk: Helen Matheney.

Seventh Assistant Mailing Clerk: Inez Sullivan.

Eighth Assistant Mailing Clerk: Clarice Morgan.

Librarian: Miss Theodosia Bell.

Postmistress: Mrs. F. E. Sewell.

Chaplain: Rev. W. H. Doss.

Telephone Operator: Miss Mary Jacobs.

Assistant Telephone Operator: R. Ammerman.

Doorkeeper: Warren Freund.

First Assistant Doorkeeper: Everett Boyd.

Second Assistant Doorkeeper: A. Bagby.

Third Assistant Doorkeeper: Carey Thompson.

Fourth Assistant Doorkeeper: Charley Zivley.

Fifth Assistant Doorkeeper: J. M. Gault.

Sixth Assistant Doorkeeper: Bob Payne.

One Messenger: Sam Tigner.

One Messenger: A. W. Mitchell.

Custodian of Senate: C. K. Walters.

Chief Engrossing and Enrolling Clerk: Carl Boes.

Carbon Clerk and Messenger: G. C. Sellers.

Notary Clerk: W. M. Connelly.

Warrant Clerk: Mrs. Walter Pierce.

One Proofreader: Mrs. Lola Lawrence.

Second Proofreader: Miss Frances Hoskins.

Typists: C. C. Ross, Kate Johnson, George Butler, William Glass, Tom Adams, Robert Hale, Joel Gunn.
Janitress: Mrs. Mary C. Mobley.

The Lieutenant Governor is authorized to appoint an elevator boy to serve at night and on Sunday, said elevator boy to receive \$4.00 per day.

The Sergeant-at-Arms is hereby directed to see to it that his office is kept open on all nights and also on Sundays and on Sunday nights; it is further directed that there shall be one telephone operator on duty every night, also on Sundays and Sunday nights; it is further directed that the postoffice shall be kept open on Sunday; and that the Sergeant-at-Arms shall have charge of all Assistant Sergeants-at-Arms, and that the Doorkeeper shall have charge of all Assistant Doorkeepers, and that each shall distribute the duties among such assistants and direct the time and hours they shall work.

It is further recommended that the Enrolling and Engrossing Committees be authorized to employ Enrolling and Engrossing Clerks, and such assistants as may be necessary; and that the Enrolling and Engrossing Clerk shall receive \$10.00 per day for his service, and assistants \$5.00 per day.

It is further recommended that Senators Hyer, McFarlane and Hardin be continued as a Committee on Committees and that their duties be the same as the last session.

It is further recommended that the Chairman of the Penitentiary Committee be allowed to select a Secretary for the Penitentiary Committee.

It is further recommended that each Senator be permitted to name one stenographer, and that such employee act as clerk to each committee of which said Senator shall be chairman, save and except that this does not apply to the Chairman of the Finance Committee and the Finance Committee and Penitentiary Committee.

It is further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It is further recommended that the compensation of officers and em-

ployees named, except as otherwise expressly provided, shall receive \$5.00 per day, except that the Secretary of the Senate, the Journal Clerk, Calendar Clerk, and the Sergeant-at-Arms shall receive \$10.00 per day, and the Assistant Calendar Clerks, Assistant Secretary of Senate and First Assistant Journal Clerk shall receive \$7.50 per day, and porters shall receive \$3.00 per day each, the head porter and porter carrying mail \$4.00 per day each.

It is further recommended that the Lieutenant Governor and Senators be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It is further recommended that the Lieutenant Governor be permitted to select a secretary at a salary of \$10.00 per day, and an assistant secretary at a salary of \$6.00 per day, and a personal messenger at a salary of \$5.00 per day.

It is further recommended that the Senators be given such time as they desire to name their personal appointments, and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that twenty-five hundred (2,500) daily Journals be printed and that the same be prorated among the Senators and the Lieutenant Governor except that 300 shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed \$4.00 per month per machine.

It is further recommended that the Lieutenant Governor and each Senator and Secretary of the Senate be allowed the stationery and postage needed by them respectively and be allowed expenses incurred in the transmitting and receiving of telephone messages and telegraph messages and expenses that may be actually necessary in the discharge of his official duty.

It is further recommended that the Chairman of the Finance Committee be authorized to appoint a clerk to the Finance Committee and

a first assistant clerk, and that their salaries shall be the same as during the Fourth Called Session of the Forty-first Legislature, and that he be authorized to appoint such other clerks as he deems necessary at a salary of \$5.00 per day.

It is further recommended that each Senator, the Lieutenant Governor and Secretary of Senate be permitted to subscribe to five daily papers, to be paid out of the contingent fund.

WITT, Chairman.

POLLARD, Secretary.

Read and adopted.

Oath of Office.

The Chair administered the oath of office to the elected employees.

Appointments Announced.

The Chair announced the following appointments:

T. L. Wheeler, Secretary to Lieutenant Governor.

Miss Virginia Turner, Assistant Secretary to Lieutenant Governor.

Charles Pratt, private messenger to Lieutenant Governor.

Pages: Maurice Morgan, Elwood Brown, Mac Renfro, Pete Campbell, Erwin Eilers, Hewitt Davis, Tom Labenski, Earl Phares, Martin Wukash, Jack Corbitt, Dean Madden, Sidney Gustafson, Van Kirkpatrick.

Chas. Wheeler, Page to Sergeant-at-Arms.

Hewitt Davis, Page to Penitentiary Committee.

Fred Lowery, Page to Stenographers.

Porters: Jim Jackson, Head Porter; Tom Burton, Mail Porter; Bozia Harris, Chas. Jackson, Sam Grant, Fred Rhambo, Buck Green, Rawlings Green.

President Pro Tem.

The Chair announced that nominations for President Pro Tem were in order.

Senator Beck nominated Senator Williamson.

The following remarks of Senator Beck were, on motion of Senator Pollard, ordered printed in the Journal:

Mr. President:

As it is now the duty of this Sen-

ate to elect a President Pro Tem, I desire to nominate a man who in years gone by sailed before the mast, boxed the compass, heaved the headline, and shot the sun. He is properly oriented not only in matters marine, but also in the affairs of State.

If I were permitted to ride through the flower gardens of language, I might possibly lasso a rhetorical bouquet of sufficient fragrance and beauty that would properly express my appreciation and respect for this man.

But as such is not the case, I will have to content myself by saying that he is the personification of Honor and Justice, and is loved by every member of this Senate.

I therefore take great pleasure in nominating Senator W. H. (Cap) Williamson as President Pro Tem.

The nomination was seconded by Senators Pollard, Berkeley, Moore, Hornsby, Neal, Holbrook, Love, DeBerry, Woodul, Greer, Patton, Wirtz, Witt, Parrish, Thomason, Russek and Martin.

The Chair appointed Senators Martin and Pollard as tellers to collect and count the votes.

The tellers announced the following results:

Senator Williamson—24 votes.

The Chair declared Senator Williamson duly elected and appointed Senators Beck, Moore, and DeBerry to escort the new President Pro Tem to the platform where the Chair administered the oath of office.

The Chair introduced President Pro Tem Williamson who briefly addressed the Senate.

Committee From the House.

A committee of five appeared from the House and Mr. McCombs announced that the House had organized and was ready for business.

Notification Committees Appointed.

On motion of Senator Berkeley, the Chair appointed the following committee to notify the Governor and the House of Representatives that the Senate had organized and was ready for business:

To notify the Governor: Senators Berkeley, Moore and Love.

To notify the House: Senators Patton, Woodul and DeBerry.

Bills and Resolutions.

By Senator Pollard:

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, payable out of the general revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fifth Called Session of the Forty-first Legislature of the State of Texas, and to pay the contingent expenses of the Fifth Called Session of the Forty-first Legislature of the State of Texas, and to pay any unpaid expenses incurred by the Fourth Called Session of the Forty-first Legislature of the State of Texas, and providing for the approval of accounts and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Love:

A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Forty-first Legislature, etc.; providing more adequately for pensions, etc.; and declaring an emergency."

The Chair declined to refer the bill, holding that it was not covered by the call of the Governor.

Senator Love moved to refer the bill to the Committee on Finance.

The Chair held the motion out of order.

Senator Love raised the point of order that the President of the Senate did not have the right to decide what bills should be considered by the Senate either within or without the call of the Governor.

The Chair overruled the point of order.

Committees Report.

The committee appointed to notify the Governor appeared at the bar of the Senate and Senator Berkeley announced that the committee had performed its duty.

The committee appointed to notify the House appeared at the bar of the Senate and Senator DeBerry an-

nounced that the committee had performed its duty.

Senate Bill No. 1.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Pollard:

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, payable out of the general revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fifth Called Session of the Forty-first Legislature of the State of Texas, and to pay the contingent expenses of the Fifth Called Session of the Forty-first Legislature of the State of Texas, and to pay any unpaid expenses incurred by the Fourth Called Session of the Forty-first Legislature of the State of Texas, and providing for the approval of accounts and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its second reading by the following vote:

Yeas—24.

Beck.	Neal.
Berkeley.	Farr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Love.	Williamson.
Martin.	Wirtz.
Miller.	Witt.
Moore.	Woodul.

Absent—Excused.

Cousins.	Small.
Hardin.	Westbrook.
Hyer.	Woodward.
McFarlane.	

The bill was read second time and passed to third reading.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Love.	Williamson.
Martin.	Wirtz.
Miller.	Witt.
Moore.	Woodul.

Absent—Excused.

Cousins.	Small.
Hardin.	Westbrook.
Hyer.	Woodward.
McFarlane.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Love.	Williamson.
Martin.	Wirtz.
Miller.	Witt.
Moore.	Woodul.

Absent—Excused.

Cousins.	Small.
Hardin.	Westbrook.
Hyer.	Woodward.
McFarlane.	

S. C. R. No. 1.

Senator Williamson sent up the following resolution:

By Senators Moore, Williamson, Parrish, Berkeley, Gainer, Thomason, Russek, Beck, Woodul, Stevenson, Patton, Hornsby, Love, Martin, Neal, Witt, Holbrook, Wirtz, Greer and DeBerry:

Whereas, His Excellency, Dan Moody, Governor of the State of Texas, has reconvened the Legislature of the State of Texas into a Special Session, to wit, the Fifth Called Session of the Forty-first Legislature, and

Whereas, It is the consensus and desire of the Senate of the State of Texas, the House of Representatives concurring, that the Senate be permitted and authorized to recess or stand at ease until Monday morning, February 24, 1930, at 10 o'clock a. m., while the House of Representatives of the State of Texas is considering and debating the matters before said honorable body and while said House of Representatives remains in session; and,

Whereas, Article 3, Section 17, of the Constitution of the State of Texas authorizes either House to adjourn for a longer period than three days with the consent of the other House; now, therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Senate of the State of Texas be authorized and permitted, and the consent of the House of Representatives is hereby given, to recess or stand at ease, and the Senate of the State of Texas does hereby recess and stand at ease until 10 o'clock a. m. Monday morning, February 24, 1930, while the House of Representatives remains in session continuing the consideration of matters pending before said honorable body.

Read and adopted.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.

Austin, Texas, Feb. 19, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred fifty thousand (\$150,000.00) dollars, or so much thereof as may be necessary,

payable out of the general revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fifth Called Session of the Forty-first Legislature of the State of Texas, etc., and declaring an emergency."

S. C. R. No. 1, Allowing the Senate to adjourn until Monday, February 24, 1930.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 1.

Adjournment.

At 12:08 o'clock the Senate adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared, and find the same correctly enrolled, and have this day at 12:15 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, payable out of the general revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fifth Called Session of the Forty-first Legislature of the State of Texas, and to pay the contingent expenses of the Fifth Called Session of the Forty-first Legislature of the State of Texas, and to pay any unpaid expenses incurred by the Fourth Called Session of the Forty-first Legislature of the State of Texas, and providing for the approval of accounts and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

SECOND DAY.

Senate Chamber,
Austin, Texas,
February 24, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Williamson.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.